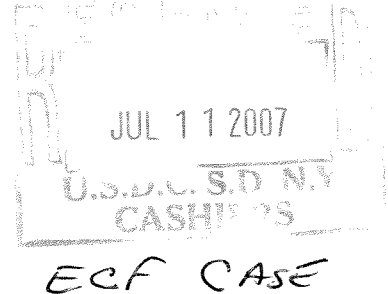


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07 CV 6335

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS P. SOBIECH, ROBIN SOBIECH,
NICHRIIS CORPORATION, PINE ISLAND
GROUP, INC., GOTHAM RENOVATION
GROUP, INC., ORANGE COUNTY TRUST
COMPANY, JOSEPH WU, SHARYLAND
L.P. d/b/a PLANTATION PRODUCE
COMPANY, M&M PACKAGING, INC.,
MELLON BANK, UNITED PENN BANK,
PIETRZAK & PFAU ENGINEERING &
SURVEYING, PLLC, JOHN DOES NOS.
1-10 and JANE DOES NOS. 1-10,

Defendants.

NOTICE OF PENDENCY

07 Civ. 6335 (CLB)
(LMS)(WUP)

PLEASE TAKE NOTICE THAT the above-captioned action has
been commenced and is now pending in the United States District
Court for the Southern District of New York to foreclose the
following mortgages: (1) a real estate mortgage dated May 8,
1997, which was recorded in the Orange County Clerk's Office on
May 8, 1997, in Liber 6150 of Mortgages at Page 306; (2) a real
estate mortgage dated May 7, 1999, which was recorded in the

Orange County Clerk's Office on May 27, 1999, in Liber 7234 of Mortgages at Page 322; and (3) a real estate mortgage dated September 19, 2000, which was recorded in the Orange County Clerk's Office on September 27, 2000, in Liber 7993 of Mortgages at Page 291.

The real property described in the aforementioned mortgage affected by said foreclosure action was at the time of this Notice, situated in the Town of Warwick, County of Orange, and State of New York and is more particularly described on the property description prepared by Four Corners Abstract attached as Exhibit A.

The Clerk of the County of Orange is directed to index this notice against the names of all of the defendants in the Complaint and against the property described above.

Dated: New York, New York
July 10, 2007

MICHAEL J. GARCIA
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Southern District of New York
Attorney for the United States
of America

By: 

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SCHEDULE 1

DESCRIPTION

Address: 1005 County Route 1; Mission Land Road; 4 Brozdowski Lane; 13 Mission Land Road; 2 Brozdowski Lane; 831 County Highway 1; 827 County Highway 1; and County Highway 1, Pine Island

PARCEL I:

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Warwick, County of Orange, State of New York, being a part of Lot "A" on a Map of Mission Lands made by V.K. Mills, dated October 17, 1905 on file in Orange County Clerk's Office, bounded and described as follows, viz:

BEGINNING at a point in the middle of the public highway leading from Pine Island to Westtown, the said point of beginning is South 22°30' East 2110.7 feet from the northeast corner of the said Lot "A" of the Mission Lands; running thence from the said point of beginning, (1) South 22°30' East 328.9 feet along the middle of the said public highway to a point; thence (2) South 58°10' West 799.2 feet along the middle of a highway which crosses the said Lot "A" and which is north of the Lehigh and New England Railroad, to a point; thence (3) North 22°30' West 326.2 feet along land of Brozdowski to a point; thence (4) North 68°03' East 798.0 feet across Lot "A" to a point of beginning. **CONTAINING 6 Acres**, more or less.

(2) ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND, situated, lying and being in the Town of Warwick, County of Orange, State of New York, being a part of Lot "A" on a Map of Mission Lands made by V.K. Mills, dated October 17, 1905 on file in Orange County Clerk's Office, bounded and described as follows, viz:

BEGINNING at a point in the middle of the public highway leading from Pine Island to Westtown; the said point of beginning is South 22°30' East 2439.6 feet from the northeast corner of the said Lot "A" of the Mission Lands and is also on range with the middle of a public road which crosses the said Lot "A" north of the Lehigh and New England Railroad; running thence from the point of beginning (1) South 22°30' East 335.1 feet along the middle of the Pine Island-Westtown Road, previously mentioned, to the north line of the said Lehigh and New England Railroad right of way; thence (2) along the said north line of the Railroad on a curved course the direction of which is northwesterly and westerly a distance of 065.2 feet to a point; thence (3) North 22°30' West 31.6 feet along land of Brozdowski to a point in the middle of the said public road which crosses the said Lot "A", thence (4) North 58°10' East 799.2 feet along the middle of the said road to the point of beginning. **CONTAINING 2.653 Acres** more or less.

TOGETHER with a right of way over the right of way running from the Pine Island-Westtown Highway to and through said lands and through other lands of first party, as now laid out and used and subject to the rights of such other persons as may be entitled to use the same.

SCHEDULE 1
(continuation)
DESCRIPTION

PARCEL II:

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Warwick, County of Orange, State of New York, said premises being described in accordance with a survey made by A.V.D. Wallace, Jr., dated May 29, 1966, revised August 23, 1966, said premises being more particularly bounded and described as follows:

BEGINNING at a point on the assumed northeast line of Pine Island-Westtown Highway, the said point of beginning is in the middle of a ditch on the boundary line between land of John J. Brozdowski, Jr. and land formerly of Smith Wilcox, now land of Ralph and Anna Sadowski, the said point of beginning is 26 feet northeast from a point on the highway bridge at the intersection of the center of the highway and the center line of the ditch; running thence (1) North $71^{\circ}04\frac{1}{2}'$ East 2536.09 feet along the middle of the said ditch and along land of Ralph and Anna Sadowski, and along land of John J. Brozdowski and John J. Brozdowski, Jr., to an iron pipe driven into the ground; thence (2) South $54^{\circ}07'$ East 122.00 feet along the middle of the ditch and along the said Brozdowski land to a point on the west bank of Pochuck Creek; thence along the bank of the Creek, the following nine courses, namely: (3) South $34^{\circ}26'$ West 86.05 feet; (4) South $56^{\circ}03'$ West 200.00 feet to an iron pipe driven into the ground; (5) South $10^{\circ}17'$ East 319.00 feet to an iron pipe driven into the ground; (6) North $72^{\circ}48'$ East 161.00 feet to an iron pipe driven into the ground; (7) South $8^{\circ}42'$ East 275.00 feet crossing the new cut-off channel; (8) South $47^{\circ}27'$ East 249.00 feet to an iron pipe driven into the ground; (9) South $27^{\circ}23'$ West 156.00 feet to an iron pipe driven into the ground; (10) South $83^{\circ}03'$ West 60.00 feet to an iron pipe driven into the ground; and (11) North $39^{\circ}32'$ West 229.00 feet crossing the new cut-off channel to an iron pipe driven into the ground; thence along the north and west bank of the Creek on an assumed former course, the following three courses, namely: (12) South $83^{\circ}53'$ West 100.00 feet to an iron pipe driven into the ground; (13) South $39^{\circ}33'$ West 100.00 feet; and (14) South $19^{\circ}33'$ West 110.45 feet to an iron pipe driven into the ground; thence along the southeast line of a right of way 12 feet wide, and along land which was conveyed by John J. Brozdowski to Edward and Rose Gerczak by deeds recorded in the Orange County Clerk's Office in Book 1175 at Page 274, and in Book 917 at Page 404, the following two courses, namely: (15) South $71^{\circ}05'$ West 871.00 feet; and (16) South $71^{\circ}05'$ West 440.00 feet to a point; thence along land which was conveyed by John J. Brozdowski to Joseph Purta by deeds recorded in Book 917 at Page 401, and in Book 1043 at Page 632, and along the southeast line of the said right of way, the following two courses, namely: (17) South $71^{\circ}05'$ West 528.00 feet; and (18) South $71^{\circ}05'$ West 186.00 feet to a point; thence (19) North $18^{\circ}24'$ West 12.00 feet along the assumed northeast line of Pine Island-Westtown Highway to a point at the south corner of land which was conveyed by John J. Brozdowski to Joseph Brozdowski by deed recorded in Book 917 at Page 407; thence along the northwest line of the said right of way the following two courses, namely: (20) North $71^{\circ}05'$ East 714.00 feet along land of Joseph Brozdowski to a point, and (21) North $71^{\circ}05''$ East 178.93 feet along land conveyed by John J. Brozdowski to Frank J. Brozdowski by deed recorded in Book 1140 at Page 532 to a ditch corner; thence (22) North $18^{\circ}28'$ West 487.99 feet along the middle of the ditch and along land of

SCHEDULE 1
(continuation)
DESCRIPTION

ight with a radius of 1910 feet for 866.4 feet to a point in the center line of the aforesaid County Highway; thence along the center line of the said highway N 22°32' W 40.25 feet to the place of beginning, CONTAINING 0.66 acres of land more or less.

PARCEL V: ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Warwick, County of Orange and State of New York, being more particularly described as follows: Beginning at a point in the centerline of the public road known as the Pine Island Turnpike (County Road #1) said point being North 18 degrees 55 minutes West 267.17 feet, as measured along the centerline of said road, from a point which marks the northerly most corner of lands of one Nowak (Liber 1292 p. 274) and the southeasterly most corner of lands of Merritt's Island Farms, Inc.; running thence along the lands of Merritt's Island Farms Inc., South 67 degrees 50 minutes West 562.14 feet to a point; thence still along the lands of Merritt's Island Farms, Inc., North 9 degrees 13 minutes West 250.0 feet to a point; thence continuing along the lands of Merritt's Island Farms North 67 degrees 50 minutes East 562.92 feet to a point in the centerline of the Pine Island Turnpike; thence running along the same on the following two course and distances; 1. South 19 degrees 22 minutes East 66.64 feet; 2. South 18 degrees 55 minutes East 83.40 feet to the point and place of beginning. Excepting and reserving for the public use all that portion of the above described parcel which lies in the bounds of the Pine Island Turnpike and contains 0.21 acres more or less.

PARCEL VI: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Warwick, County of Orange, and State of New York, bounded and described as follows:

BEGINNING at a cross cut in a large rock on the westerly side of the Pine Island - Westtown County Road, said cross being over the center of a culvert under the County Road, and running thence along said County Road, North 25 degrees 52'00" West 21.90 feet to a point; thence (2) S 60 degrees 48'00" West 430.00 feet to a point in the line of lands now or formerly of Mrs. Paul Pristunoff; thence (3) S 33 degrees 08'20" East 282.32 feet to a pipe in the line of lands now or formerly of George Gurda; thence along the line of lands of said Gurda the following two courses (4) N 57 degrees 34'00" East 118.14 feet to an iron, thence (5) N 58 degrees 34'30" East 153.94 feet to a pipe; thence (6) N 27 degrees 18'30" West 148.00 feet to a bolt; thence (7) N 55 degrees 45'00" East 128.00 feet to a bolt in the westerly bounds of the said County Road; thence along the westerly boundary of the said County Road; (8) N 25 degrees 52'00" West 88.10 feet to the point or place of beginning.

PARCEL VII: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Warwick, County of Orange and State of New York, bounded and described as follows:

SCHEDULE 1
(continuation)
DESCRIPTION

Frank J. Brozdowski to an iron pipe driven into the ground; thence (23) South $1^{\circ}05'$ West 892.34 feet along the southeast line of a right of way 12 feet in width, and along land of Frank J. Brozdowski and land of Joseph Brozdowski to an iron pipe driven in to the ground; thence (24) North $18^{\circ}24'$ West 508.00 feet along the assumed northeast line of Pine Island-Westtown Highway to the point of beginning, **CONTAINING** 45.967 acres of land more or less.

TOGETHER with all the right, title and interest, if any, of the parties of the first part to all that plot, piece or parcel of land lying and being between the above described premises and the middle of Pochuk Creek, being the westerly boundary line of Vincent and Pauline Kosuga as conveyed by deed dated October 20, 1950, recorded January 13, 1951 in Liber 1185 of Deeds, Page 280.

PARCEL III:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Warwick, Orange County, New York, and being more particularly described as follows: **BEING** the southerly one-half of the lands formerly used as a right of way for the Lehigh and New England Railroad Company extending from the center line of County Highway No. 1, westerly across Lot "A" as shown on a map of the Mission Lands made by V.K. Mills, Civil Engineer and on file in the Orange County Clerk's Office, the easterly line of Lot "B" of said map, 33 feet in width, bounded and described as follows:

BEGINNING at a point of intersection of the center line of the said right of way with center line of said highway, said point being $S\ 22^{\circ}32'\ E\ 375.5$ feet from the intersection of the center line of the said highway with the center line of the Mission Land Road and runs thence on a curve to the left with a radius of 1910 feet for 866.4 feet to a point in the easterly line of aforesaid Lot "B", $S\ 22^{\circ}32'\ E\ 33.41$ feet to a point in the southerly line of the said right of way; thence along the southerly line of the said right of way on a curve to the right with a radius of 1877 feet for 867.6 feet to the center line of aforesaid highway; thence along the center line of the said highway $N\ 22^{\circ}32'\ W\ 40.25$ feet to the place of beginning, **CONTAINING** 0.66 acres of land more or less.

(2) ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of Warwick, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point in the south line of the Lehigh & New England Railroad right of way, the said point of beginning is also at a corner of land of Brozdowski; running thence (1) South $22^{\circ}30'\ E\ 291.0$ feet to a point; thence (2) North $70^{\circ}00'\ E\ 122.0$ feet along lands of Conklin to a point; thence (3) East 37.3 feet along the same to a point; thence (4) along lands of Lewis Gardella a distance of 275.5 feet to a point in the south line of the said railroad; thence (5) along the south line of the said railroad on a curved course in a westerly direction a distance of 168.6 feet to the point of beginning. **CONTAINING** 1.02 acres more or less.

SCHEDULE 1
(continuation)
DESCRIPTION

TOGETHER with a 20±' right of way over the right of way running from the Pine Island-Westtown Highway to and through said lands and through other lands of first parties as now laid out and used, and subject to the rights of such other persons as may be entitled to use the same.

(3) ALSO ALL THOSE TWO CERTAIN TRACTS OR PARCELS OF LAND, situate in the Town of Warwick, County of Orange, State of New York, being portions of the property conveyed to John Brozdowski as recorded in Liber 851 at Page 519 and being more fully bounded and described as follows:

Parcel #1 **BEGINNING** at a point in the southerly line of the lands formerly of Lehigh and New England Railroad Company where the same is intersected by the northerly line of a 20 foot wide right of way which runs through the lands of the aforesaid Brozdowski in a westerly direction from the Pine Island Turnpike and runs from said point along the northerly line of the said right of way on the three following courses and distances: (1) S 73°37'54" W for a distance of 463.66 feet; (2) S 83°52'52" W for a distance of 148.07 feet; (3) S 75°25'01" W for a distance of 9.66 feet; running thence still over and through the lands of Brozdowski on the two following courses and distances: (4) N 15°02'13" W for a distance of 242.06 feet to the southerly line of the aforesaid railroad; running thence along the same (5) along a curve to the right having a radius of 1877.00 feet for a distance of 670.17 feet to the point or place of beginning. **CONTAINING** 2.169 acres of land.

(4) BEGINNING at a point in the southerly line of the above mentioned right of way distant 20.00 feet on a course of S 15°02'13" E from the westerly end of the course recited as (3) in Parcel #1 above and runs from said point along the southerly line of the said right of way on the two following courses and distances: (1) N 75°25'01" E for a distance of 8.03 feet; (2) N 33°52'52" E for a distance of 101.71 feet running thence still over and through the lands of the said Brozdowski (3) S 17°04'59" E for a distance of 37.91 feet; running thence along the lands now or formerly of Kosuga (4) N 34°34'59" W for a distance of 117.26 feet; running thence along the lands now or formerly of Sobiech (5) N 15°02'13" W for a distance of 12.75 feet to the point or place of beginning. **CONTAINING** 2805 square feet of land.

PARCEL IV: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Warwick, County of Orange, State of New York, being the northerly one-half of the lands formerly used as a right of way for the Lehigh and New England Railroad Company extending from the center line of County Highway No. 1, westerly, across Lot "A", as shown on a map of the Mission Lands made by V.K. Mills, civil engineer and filed in the Orange County Clerk's Office, to the easterly line of Lot "B" of said map, 33 feet in width, bounded and described as follows:

BEGINNING at a point in the center line of County Highway No. 1, said point being S 22°32' E. 335.1 feet from the intersection of the center line of said County Highway with the center line of the Mission Land Road and runs thence on a curve to the left with a radius of 1943 feet for 865.2 feet to a point in the easterly line of the aforesaid Lot "B", thence along the easterly line of Lot "B", S 22°32' E 33.41 feet to a point in the center line of the right of way; thence along the center line of said right of way on a curve to the

SCHEDULE 1
(continuation)
DESCRIPTION

BEGINNING at a point on the Westerly side of the Pine Island - Westtown Road, said point being N 25 degrees 52'00" W 21.00 feet from a cross cut in a large rock on the westerly side of said County Road, said cross being over the center of a culvert under the said County Road, and running thence (1) along said County Road N 25 degrees 52'00" W 64.07 feet to a point; thence (2) along the lands of Brozdowski S 65 degrees 24'00" W 184.09 feet to a point; thence (3) still along the lands of said Brozdowski N 23 degrees 27'00" W 104.00 feet to an iron pipe driven in the ground; thence (4) still along the lands of said Brozdowski S 65 degrees 24'00" W 275.57 feet to an iron pipe in the line now or formerly of lands of Mrs. Paul Pristupoff; thence (5) along the lands of said Pristupoff and along a stone wall S 33 degrees 08'20" E 204.83 feet to a point; thence (6) along other lands now or formerly of Thaddeus & Theresa M. Sobiech N 60 degrees 48'00" E 430 feet to the point or place of beginning.

TOGETHER with and subject to a right-of-way fifty feet in width from the southeasterly corner of the above described premises in common with others from said point southerly to a 33 foot right-of-way which is North 27 degrees 15' West, 213 feet and North 27 degrees 15' West 492.77 feet from the end of the next to the last course of the premises conveyed by Eva Pristupoff to Vincent Kosuga and Pauline Kosuga by deed dated June 1, 1964 and recorded in the Orange County Clerk's Office on June 4, 1964 in Liber 1664 at p 233 and together with a 33 foot right-of-way running from the end of said fifty foot right-of-way South 27 degrees 15' East 492.77 feet to a point which is North 27 degrees West 213 feet from the end of the next to the last course in the above referred to deed thence over a 25 foot right-of-way, in common with others from said point South 27 degrees 15' East to the middle to the Liberty Corners Road.

NOTE: Parcels III and IV and the second description in Parcel I are also described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Warwick, County of Orange and State of New York being known and designated as Lot Nos. One, Two and Three on a certain map entitled "Final Plat Three-lot Subdivision: Lands of Caroline Madura and Theresa Sobiech County Route 1 and Mission Land Road, Town of Warwick, Orange County, New York", said map being filed in the Office of the Clerk of the County of Orange on 6/4/92 as and by Map No. 120-92.